

Wake County Fire Protection Contract – Proposed Revision Summary

1. Update fifth paragraph in Witnesseth section: Update County department reference
2. Revise section 2 - The County will collect direct fees for: Hazmat response in unincorporated areas, Forestry services, Fire training services, Communications services including WECO, 800 MHZ radio system and CAD costs. Direct fee funding requests are to be submitted to the Fire Commission in a line item budget format for review and recommendation.
3. Revise section 4 to state that County will provide vaccinations deemed necessary by the County's Medical Director.
4. Revise section 5 to allow for possible cost recovery programs in the future. Revise last sentence to read at end, "...or billing for certain services based on a fee schedule approved by the Board of Commissioners, or entering into a cost recovery program approved by the Board of Commissioners."
5. Revise section 6 - Insert "solely" between the words between "used" and "for".
6. Revise section 8, fifth paragraph - Change "shall" to " may".
7. Revise section 10 – In the event that the County receives notice that the fire department has failed to operate in accordance with the provisions of the contract, the County will provide the fire department written notice of the possible noncompliance and investigate the noncompliance. If the County determines the department has operated in a manner not in accordance with the contract, the County will provide written notice of a ninety day period to achieve compliance. At the end of the ninety day period, the County may suspend any or all funds to the department if the department is still not in compliance.
8. Revise section 11, second paragraph - Revise sentence to read in part: "... on behalf of the Department until the Board of Directors of the Department works with the Fire Commission to determine that the Department is able..."
9. Revise last sentence of section 13 - No career employee or regularly scheduled part-time employee shall serve as a member of the Department's Board of Directors.

10. Replace with new paragraph 14 - In the event of liquidation or dissolution of the Fire Department, all equipment and assets will be distributed in accordance with the Fire Department's Charter or Articles of Incorporation and the North Carolina Non-Profit Corporation Act. All assets and equipment that have been acquired using county funds, other than special rural fire district funds, shall be returned to the County.
- 14.1 Should such liquidation or dissolution occur while there remains an ongoing requirement for County provided fire protection in the Department's primary service area, all required fire fighting apparatus and equipment (but excluding real property) shall be assigned or distributed by the dissolving Department to its successor in fire protection within the Department's primary service area. Real property owned by the Department and not reasonably required by the County for the purpose of fire protection, or real property which is already being used by other governmental entities for fire protection is excluded. Such unallocated Real property will be returned to public service use in consultation with homeowners within the Departments primary service area. If the successor fire department reasonably requires the use of Real property to provide fire protection within the Department's primary service area, such Real property will be made available through a leasing instrument which will insure maintenance of such property for the duration of need, but will not accrue revenue to the Department above and beyond such maintenance.
 - 14.2 Section 14.1 shall not apply if the dissolution of the Department is the result of a deliberate act or decision on the part of Wake County to assume complete control of fire protection in the Department's service area notwithstanding the Department's willingness and ability to continue delivery of services in compliance with this agreement
11. Update title in section 15.
12. Update title in section 15 (a).
13. Revise section 17 with the following limits recommended by Wake County Risk Management. (VFIS has reviewed the proposal) - 17. The Fire Department shall obtain and keep in force during the term of this agreement the following minimum insurance coverage, annually providing the County Risk Manager with a certificate of insurance. All required insurance shall be procured from insurance companies licensed to do business in North Carolina with a Best's Insurance Guide Rating of A-, VII or the Volunteer Safety Workers' Compensation Fund owned and operated by the State of North Carolina. Coverage shall be maintained continuously during the term of this agreement.

- Worker’s Compensation: Coverage A – Statutory – State of North Carolina. Coverage B – Employers Liability - \$100,000 each claim. Departments shall participate in the North Carolina Volunteer Safety Worker’s Compensation Fund.
 - Comprehensive General Liability, Including Medical Malpractice and Errors and Omissions: Coverage with minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability. Wake County shall be named as additional insured.
 - Business Auto Policy: Coverage with minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership. Wake County shall be named as additional insured.
 - Management Liability/Directors and Officers Liability: Coverage with minimum limits of \$1,000,000.00 per claim and \$2,000,000.00 aggregate.
 - Umbrella Liability: Coverage with limits of \$2,000,000.00. Coverage shall excess the underlying auto liability, employers liability, general liability including Medical Malpractice and Errors and Omissions liability. There shall not be any “drop down deductibles” in areas where underlying coverage is not required but the Umbrella Policy provides coverage. Wake County shall be named as additional insured.
 - Fidelity Bonds: A blanket fidelity bond shall be purchased in the amount of not less than \$100,000.00.
 - The Fire Department shall annually provide the Wake County Finance Department a certificate of insurance.
14. Revise section 18 - Fire department to prepare a plan to obtain a minimum of a class 6 ISO rating. Plan to be complete within one year of contract execution. A Class 6 rating is the minimum, and departments are not expected to degrade any ISO grade that is better than a Class 6. The fire department is to implement the plan after plan’s completion subject to availability of funds as recommended by the Fire Commission and approved by the Board of Commissioners. Update title reference
15. Update title reference in section 20 (A) (b)
16. Add second paragraph below existing paragraph 20 (A) (c) - Fire department agrees to participate in countywide automatic aid through the quickest unit response program. Units will be dispatched based on quickest unit response. Fire stations that are not continuously staffed on a 24 / 7 basis may or may not participate in quickest unit response inside a municipality’s corporate limits.

17. Update the mutual aid agreement included in the Appendix and referenced in section 20 (A) (d)
18. Revise section 20 (A) (e) to include the following new provisions:
- Each fire department will conduct an annual live fire training exercise and participate annually in one or more each multi-company drills and multi-department drills,
 - Each fire department will conduct a regional post incident review for the following incidents: fatal fires, fires involving more than \$250,000 property loss, fires with civilian injuries requiring hospitalization for more than 24 hours, fires involving firefighter injury, and other incident as determined by the Department. Post incident reviews will be facilitated by a fire service member that has completed a post-incident review training program approved by the Fire Commission, or equivalent training as determined by the Fire Commission.
 - No member shall engage in structural firefighting without having first completed the Essentials of Firefighting course, or equivalent.
 - The initial training guidelines required by paragraph 20 (e) shall address at a minimum the following training: Hazardous materials responder – operations plus, ICS, and bloodborne pathogens.
 - Update title
19. Delete section 20 (A) (g).
20. Replace section 20 (A) (i) with fund balance requirement in long range business plan: At a minimum, all nonprofit Fire Departments will maintain a fund balance sufficient for their own cash flow purposes. Departments may contact County staff for assistance in determining an appropriate fund balance for their department. Departments are encouraged, but not required, to maintain a fund balance of at least 5% of their annual operating budget. If a department's fund balance falls below 5% of its annual operating budget, and the department wishes to raise it to 5%, the department may present a plan to County staff to develop a plan to bring the fund balance up to 5%. Departments will make such requests in writing.
- At their discretion, departments may maintain a fund balance between 5-10% of their operating budget. This range is meant to give departments flexibility in managing their operating funds.
 - Fire Departments with fund balance and reserves exceeding 10% of the department's annual operating budget are expected to use these resources for planned capital purchases, retiring debt, or emergency one-time purchases. Accordingly, a department with reserves in excess of 10% of its operating budget may choose from one or more of the following uses for the excess funds:

- Retire existing debt,
 - Finance apparatus, station improvements, or other capital needs that have been identified as priorities by the Fire Commission and County staff in the Long Range Plan,
 - Reserve funds for future capital projects that have been identified as priorities by the Fire Commission and County staff in the Long Range Plan (funds must be reserved formally with the department's auditor; Annual financial statements must reflect all such reservations),
 - Make emergency non-budgeted expenditures for unanticipated repair or replacement of essential firefighting equipment one-time purchases for such equipment as SCBA and SCBA cylinders,
 - Another option approved by the Fire Commission and the Public Safety Director and Budget Director.
- Departments will notify County staff and the Fire Commission in writing of their intended use of excess funds. Should a department not choose from the options listed above, County staff and the Fire Commission will consider excess funds when determining the department's operating appropriation from the Fire Tax. Update title reference

21. Update County department reference in section 20 (A) (k).

22. Update County department reference in paragraph 20 (A) (l).

23. Revise section 20 (A) (m)– At the conclusion of the fire origin and cause determination, Wake County staff will provide a report to the fire department regarding the cause of the fire. Update County department reference

24. Update County department reference in section 20 (A) (n).

25. Revise paragraph 20 (A) (r) – Fire departments to report certain employee turnover data to county staff. Each department is to provide the salary and rank of each paid employee that leaves employment with the department and the salary and rank of each new hire employee.

26. Revise paragraph 20 (A) (s) - Fire department agrees that it will perform a background check on all new members prior to employment or appointment and on all members once every three years. If additional funding is required to perform the background checks, background checks will be done subject to availability of funds.

27. Revise paragraph 20 (A) (t) - Fire department agrees that it will review each member's driving record at least once every three years to verify

each member meets departmental driving requirements. If additional funding is required to perform the driving record reviews, review will be done subject to availability of funds.

28. Update title reference in section 20 (A) (v).
29. Add new section 20 (A) (w). - Fire departments and Wake County agree to abide by the requirements outlined in the Fire Service Compensation Guidelines.
30. Add new section 20 (A) (x). - Fire departments agree to rely only on the countywide alphanumeric and tone/voice paging systems for emergency alerting and response purposes.
31. Update County department reference in section 25.